

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **HARRIET CHARACTER, M.D.**

4 Holder of License No. **14981**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-04-L157

**CONSENT AGREEMENT FOR
PRACTICE LIMITATION**

(NON-DISCIPLINARY)

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Executive Director of the
9 Arizona Medical Board ("Board") and Harriet Character, M.D. ("Physician") the parties
10 agree to the following disposition of this matter.

11 1. Physician acknowledges that she has read and understands this Consent
12 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent
13 Agreement"). Physician acknowledges that she understands she has the right to consult
14 with legal counsel regarding this matter and has done so or chooses not to do so.

15 2. Physician understands that by entering into this Consent Agreement she
16 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court, or
17 to challenge this Consent Agreement in its entirety as issued by the Board, and waives
18 any other cause of action related thereto or arising from said Consent Agreement.

19 3. Physician acknowledges and understands that this Consent Agreement is
20 not effective until signed by the Board.

21 4. All admissions made by Physician are solely for final disposition of this
22 matter and any subsequent related administrative proceedings or civil litigation involving
23 the Board and Physician. Therefore, said admissions by Physician are not intended or
24 made for any other use, such as in the context of another state or federal government
25

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Physician acknowledges and agrees that upon signing this Consent
4 Agreement, and returning this document (or a copy thereof) to the Board, Physician may
5 not revoke acceptance of the Consent Agreement. Physician may not make any
6 modifications to the Consent Agreement. Any modifications to this Consent Agreement
7 are ineffective and void unless mutually approved by the parties.

8 6. Physician further understands that this Consent Agreement, once approved
9 and signed, is a public record that may be publicly disseminated as a formal **non-**
10 **disciplinary** action of the Board and will be reported to the National Practitioner's Data
11 Bank and posted on the Arizona Medical Board web site as a **non-disciplinary action**.

12 7. If any part of the Consent Agreement is later declared void or otherwise
13 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
14 force and effect.

15
16 Harriet Character
17 HARRIET CHARACTER, M.D.

Dated: 8/31/04

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Physician is the holder of License No. 14981 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On her renewal application Physician answered in the affirmative the
7 question as to whether she had any medical condition that impaired or limited her ability to
8 safely practice medicine. Board Staff asked Physician to supply additional information
9 about her condition. Physician promptly supplied the additional information, including a
10 letter from an evaluating physician that indicated Physician was currently unable to
11 perform intervention procedures that require hand-eye coordination.

12 4. Physician informed the Board that she had voluntarily ceased performing
13 intervention procedures that require hand-eye coordination because of her condition.

14 5. Because Physician has recognized that her medical condition limits her
15 ability to safely engage in the practice of medicine, the Board may enter into a consent
16 agreement to ensure that Physician not perform certain procedures until she is recovered.
17 A.R.S. § 32-1451(F); A.A.C. R4-16-409.

18 6. There has been no finding of unprofessional conduct against Physician.

19 **CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over the subject matter hereof and over
21 Physician.

22 2. The Executive Director may enter into a consent agreement with a physician
23 to limit or restrict the physician's practice or to rehabilitate the physician, protect the public
24 and ensure the physician's ability to safely engage in the practice of medicine. A.R.S.
25 § 32-1451(F); A.A.C. R4-16-409.

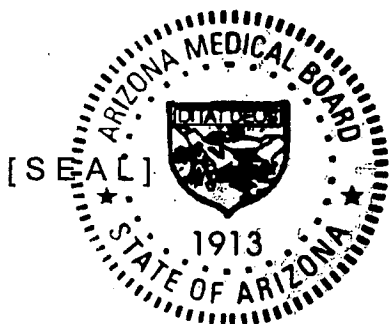
ORDER

IT IS HEREBY ORDERED THAT:

1. Physician's practice is limited in that she shall not perform any intervention procedures that require hand-eye coordination and she shall not perform any minor surgeries until she applies to the Board and the Board affirmatively approves her to perform these procedures. The Board may require any combination of staff approved examinations or evaluations it finds necessary to assist in determining whether Physician is able to safely resume such practice.

2. The Board retains jurisdiction and may initiate an action based on any violation of this Consent Agreement.

DATED this 3rd day of September, 2004.



ARIZONA MEDICAL BOARD

By Barry A. Cassidy
Barry A. Cassidy, Ph.D., P.A.-C
Executive Director

ORIGINAL of the foregoing filed this
8th day of September, 2004, with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

EXECUTED COPY of the foregoing mailed by Certified
Mail this 8th day of September, 2004, to:

Harriet Character, M.D.
(Address of record)

Rebecca Brunning